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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/732,826	12/09/2003	Seung-Hoon Lee	9898-307	6800
7590 05/06/2005 MARGER JOHNSON & McCOLLOM, P.C. 1030 S.W. Morrison Street Portland, OR 97205			EXAMINER CUNNINGHAM, TERRY D	
			ART UNIT 2816	PAPER NUMBER

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/732,826

Applicant(s)

LEE ET AL.

Examiner

Terry D. Cunningham

Art Unit

2816

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Soneda et al. (5,856,918).

With respect to claims 1-5, Soneda et al. disclose, in Fig. 2, a circuit comprising: “a driving node (K1)”; “a boosting voltage”; “boosting capacitors (C1-C3)”; “switches (PT1-PT3)”; “a control signal (CLK3)”; and “an external supply voltage detector (NU1, NU2, or NU3)”, all connected and operating similarly as recited by Applicant.

With respect to claims 6-7, clearly the above circuit to Soneda et al. will provide the recited method.

Examiner has fully considered Applicant’s remarks for the above rejection and has not found them to be persuasive. Applicant argues concerning the discussion in M.P.E.P. § 2131 “the reference must show the *identical invention* in as complete detail as is contained in the claims” and takes issue at the use of the term “similarly”. Applicant’s point is not clearly understood nor well taken. Applicant is clearly focusing on the phrase “identical invention” in the citation from case law, but has not considered that entire phrase in its context. The remainder of the phrase states “in as complete detail as is contained in the claims”. Examiner contends that this phrase is merely a different way of stating the more commonly stated phrase “To anticipate a claim, the reference must teach every element of the claim”. Further, it is clear that Applicant is

misconstruing the meaning of the word “similarly” in the rejection. While there are different definitions for this term, it is clear in context that this phrase is using the word wherein the root “similar” means “the same” or “the same as”. Applicant further argues that the rejection does not specify the “control signal”, however, the claims clearly recite that the “control signal” controls the “switches”. In the reference to Soneda et al., PT1-PT3 are responsive to CLK3, NL1-NL2 are responsive to CLK2 and NU1-NU3 are responsive to CLK1.

Applicant also argues that “only the remaining signals CLK1 and CLK2 are candidates for the recited boosting level control signal. However, contrary to the recited features of claim 1, it is clearly illustrated that a voltage level at the alleged driving node K1 (FIG. 4D) does not have a logic state that changes according to a logic state of the signal CLK1 (FIG. 4A) or the signal CLK2 (FIG. 4C). Thus, neither of the signals CLK1 or CLK2 can be the recited boosting level control signal”. Thus statement is not understood nor seen to be consistent with claim 1. Claim 1 states that the “driving voltage”, not the “voltage level” at the “driving node” that “changes according to a logic state of a boosting level control signal”. Clearly, the “voltage level” at Vout of the reference “changes according to a logic state” of CLK1, CLK2 and CLK3.

For the reasons discussed above, the outstanding art rejection is hereby maintained.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terry Cunningham whose telephone number is 571-272-1742. The examiner can normally be reached on Monday-Thursday from 7:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy P. Callahan can be reached on 571-272-1740. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TC  
May 4, 2005

  
Terry D. Cunningham  
Primary Examiner  
Art Unit 2816